

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
WESTERN DIVISION**

PAUL DORR, AND ALEXANDER DORR,
INDIVIDUALLY AND ON BEHALF OF ALL
OTHER PERSONS SIMILARLY SITUATED,

Plaintiffs,

vs.

DOUGLAS L. WEBER, INDIVIDUALLY
AND IN HIS CAPACITY AS SHERIFF, AND
HIS SUCCESSORS, THE OSCEOLA
COUNTY SHERIFFS DEPARTMENT, IOWA
AND OSCEOLA COUNTY, IOWA,

Defendants.

CASE NO. 5:08-cv-04093-MWB

**OSCEOLA COUNTY SHERIFF'S
DEPARTMENT AND
"SUCCESSORS" TO SHERIFF
DOUGLAS WEBER'S MOTION
TO DISMISS UNDER F.R.C.P.
12(b)(6)**

COME NOW Defendants, The Osceola County Sheriff's Department, and Sheriff Douglas L. Weber's "Successors," pursuant to F.R.Civ.P. 12(b)(6), and move to dismiss. In support of their Motion, these Defendants state as follows:

1. Plaintiffs filed this case on October 29, 2008. They allege in Counts III and VI of the Complaint that the Osceola County Sheriff's Department (hereinafter "Sheriff's Department") denied Plaintiffs due process and equal protection under the Fourteenth Amendment, and the right to keep and bear arms under the Second Amendment, when Sheriff Douglas Weber denied Plaintiffs' applications for weapons permits.

2. An Iowa Sheriff's Department is not a suable entity.

3. In addition, while no specific claims appear to be directed toward the "successors" of Sheriff Douglas Weber, these successors are named as defendants.

4. A sitting Sheriff has no successors. There is no one who can be served. Successors do not exist in the context of this case.

5. Defendants' Brief in Support of Motion is Dismiss is filed with this Motion and incorporated herein.

WHEREFORE, Movants pray for an Order dismissing them from this litigation.

Respectfully submitted,



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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing instrument was served upon all parties to the above cause to each of the attorneys of record herein at their respective addresses disclosed on the pleading on November 21, 2008

By: ☐ U.S. Mail ☐ facsimile
☐ Hand delivered ☐ Overnight courier
☐ Other ☒ ECF

Signature 